S.B.Cr.Misc. Bail App. No.5646/2007

(Mohd. Sarif alias Munna & Ors. Vs. State of Rajasthan)

Date of order : November 22, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Sandeep Mehta, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the order impugned and the challan papers.

It is contended by the learned counsel for the petitioners that the prosecution witnesses did not support the prosecution case and turned hostile. PW.1 Kalu, who is the first informant as also PW.2 Raju both the witnesses did not support the prosecution case and turned hostile. It is further contended by the learned counsel for the petitioners that similarly situated co-accused Abdul Khan, Akram Khan, Amjad Khan alias Ifran Khan Pathan and Ahmed Noor have been granted bail by this Court vide order dt. 15.11.2007.

Having considered the totality of facts and circumstances of the case and the fact that the prosecution witnesses did not

support the prosecution case and turned hostile, and similarly situated co-accused have been granted bail, I consider it just and proper to enlarge the accused petitioners on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioners Mohd. Sarif alias Munna s/o Saddik Khan, Munsi Lala s/o Saddik Khan, Ayub Khan alias Chabalia s/o Saddik Khan, Raju Khan s/o Ajeej Khan, Vakil Khan s/o Ajeej Khan, Ajeej Khan s/o Mohd. Hussain Khan, Yakub Khan alias Rehmat Jamal Khan s/o Sher Jamal Khan and Saddik Khan s/o Sher Jamal Khan be released on bail in FIR No.60/2007, P.S. Dungla, Distt. Chittorgarh provided each of them furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-